

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1427 – SB 2576

April 18, 2016

SUMMARY OF ORIGINAL BILL: Requires a law enforcement officer to run, at the time of arrest or as soon as possible thereafter, a criminal history background check on the person being arrested using the National Crime Information Center (NCIC), which is run by the Federal Bureau of Investigation (FBI). A copy of the criminal history must be attached to the original warrant and becomes a part of the person's law enforcement record until the disposal of the matter.

The background check must be run and attached to the warrant for all misdemeanors, felonies, summonses issued in lieu of arrest, citations issued in lieu of continued custody, and warrantless arrests.

Requires a court to consider the use of special conditions for any person charged with vehicular assault, vehicular homicide by intoxication, or driving under the influence (DUI); rather than for any person charged with vehicular assault, vehicular homicide by intoxication, aggravated vehicular homicide, or DUI who had a prior conviction for vehicular assault, vehicular homicide by intoxication, aggravated vehicular homicide, or DUI.

Requires a court to impose a special bond condition for any person who is charged with vehicular assault, vehicular homicide by intoxication, aggravated vehicular homicide, or DUI and who has a prior conviction for vehicular assault, vehicular homicide by intoxication, aggravated vehicular homicide, or DUI.

Establishes a procedure for revoking a person's bond. Requires a hearing to be conducted before bond can be revoked.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures – Exceeds \$6,000/Incarceration*
Exceeds \$124,900*

Other Fiscal Impact – Requiring an NCIC background check to be attached to a warrant could be considered dissemination by the FBI. If the FBI considers the practice dissemination, then the FBI could pull Tennessee's access to NCIC. The impact of losing NCIC access would be significant. However, the impact cannot be reasonably determined because of multiple, unknown variables.

SUMMARY OF AMENDMENT (016209): Deletes all language after the enacting clause and rewrites the bill to require a law enforcement officer, after arresting a person for vehicular assault, vehicular homicide by intoxication, aggravated vehicular homicide, or DUI, but prior to the determination of bail, to exercise due diligence to determine whether the person has any prior arrests for vehicular assault, vehicular homicide by intoxication, aggravated vehicular homicide, or DUI.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

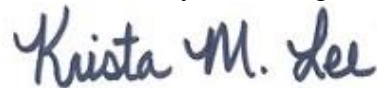
NOT SIGNIFICANT

Assumptions for the bill as amended:

- The bill as amended requires law enforcement officers to exercise due diligence in determining whether the defendant has any prior convictions for vehicular assault, vehicular homicide by intoxication, or DUI, when the person is arrested for a violation of vehicular assault, vehicular homicide by intoxication, or DUI.
- It is assumed that law enforcement agencies can exercise due diligence within their existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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